

## UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

Jose Domingo-Castro and  
Boris Chinchilla-Linares**FILED**

J.N.

1-29-08

JAN 29 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

MAGISTRATE JUDGE DENLOW

CRIMINAL COMPLAINT

CASE NUMBER:

**08CR 0063**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 28, 2008, in LaSalle County, in the Northern District of Illinois, defendants,

knowingly and in reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, did transport and move such alien within the United States, by means of transportation or otherwise, in furtherance of such violation;

in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), and Title 18, United States Code, Section 2.

I further state that I am a Special Agent with United States Immigration and Customs Enforcement and that this complaint is based on the following facts:

**See attached affidavit**

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Paul J. Hornberger Jr., Special Agent  
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

January 29, 2008


at

Chicago, Illinois

Date

City and State

MORTON DENLOW, MAGISTRATE JUDGE  
Name & Title of Judicial Officer

  
Signature of Judicial Officer

COUNTY OF COOK )

STATE OF ILLINOIS )

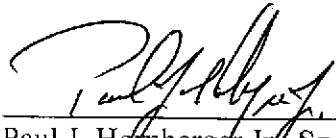
**AFFIDAVIT**

I, Paul J. Hornberger Jr., Special Agent, Department of Homeland Security, Immigration and Customs Enforcement, being first duly sworn, hereby depose and state:

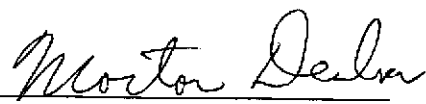
1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and have been so employed for approximately five years and six months. This affidavit is based on my own personal observations, my review of INS/ICE records and information provided to me by other law-enforcement personnel.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint. As such, I have not included each and every fact known to me concerning the individuals and offenses described herein.
3. As a Special Agent with ICE, I am assigned to investigate violations of immigration laws, including offenses under 8 U.S.C. §§ 1324-26.
4. On January 28, 2008, Peru City Police ("PCP") officers pulled over a green 2000 Toyota van, bearing California license plate number 4HYK264, in Peru, Illinois near exit 75 and I-80, for failure to use a turn signal.
5. There were 12 individuals in the van: the driver, another individual in the front passenger seat and 10 passengers.
6. PCP called ICE agents to the scene. ICE agents interviewed the 10 passengers and determined that the individuals were nationals and citizens of Mexico, Guatemala and El Salvador who had entered the United States illegally. Law-enforcement officers searched the van and found a piece of paper containing the names of the 10 passengers, along with contact telephone numbers and destinations. The destinations included Chicago, Illinois, New York, New Jersey and North Carolina.
7. Law-enforcement officers identified the driver of the van as Jose DOMINGO-Castro. After ICE agents read DOMINGO-Castro his *Miranda* rights in Spanish, DOMINGO-Castro indicated that he understood his rights and agreed to be interviewed by ICE agents. DOMINGO-Castro told ICE agents that he was born in Los Angeles, California on May 31, 1987. During the interview, DOMINGO-Castro told ICE agents that he was picked up by Boris CHINCHILLA-Linares, the individual in the front passenger seat, in a van containing 10 passengers on January 26, 2008 in Los Angeles, California. DOMINGO-Castro said that CHINCHILLA-Linares is a friend. According to DOMINGO-Castro,

CHINCHILLA-Linares agreed to pay him \$300 to help him drive the illegal aliens to various destinations in the United States, including Chicago, Illinois and New Jersey. DOMINGO-Castro admitted that he knew the 10 passengers were illegal aliens based on his conversations with the passengers.

8. Law-enforcement officers identified the co-driver of the van as Boris CHINCHILLA-Linares. After ICE agents read CHINCHILLA-Linares his *Miranda* rights in Spanish, CHINCHILLA-Linares indicated that he understood his rights and agreed to be interviewed by ICE agents. CHINCHILLA-Linares told ICE agents that he is originally from El Salvador and possesses a Temporary Protective Status Card. According to CHINCHILLA-Linares, Individual A agreed to pay him \$1,400 to transport the 10 passengers from Los Angeles, California to various destinations throughout the United States. CHINCHILLA-Linares admitted that he knew the 10 passengers were illegal aliens based on his conversations with the passengers.
9. Based on the above, Affiant respectfully submits there is probable cause to believe that Boris CHINCHILLA-Linares and Jose DOMINGO-Castro violated Title 8, United States Code, Section 1324(a)(1)(A)(ii).

  
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Paul J. Hornberger Jr., Special Agent  
DHS-Immigration and Customs Enforcement

Subscribed and sworn to before me this 29<sup>th</sup> day of January, 2008.

  
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Honorable Morton Denlow  
U.S. Magistrate Judge